



U.S. Department of Justice

United States Attorney  
Northern District of Ohio

US EPA RECORDS CENTER REGION 5



471670

1800 Bank One Center  
600 Superior Avenue, East  
Cleveland, Ohio 44114-2600

July 24, 1995

For settlement purposes only

Robert B. Casarona, Esq.  
Climaco, Climaco, Seminatore, Lefkowitz  
& Garofoli  
Ninth Floor, Halle Building  
1228 Euclid Avenue  
Cleveland, Ohio 44115

Re: U.S. v. Master Metals, Inc., Case No. C87-1471,  
N.D. Ohio

Dear Mr. Casarona:

This letter follows up our telephone discussion in which you indicated that Mr. Mickey expressed a willingness to agree to the items outlined in my May 9, 1995, letter.

The attached letter withdrawing all applicable environmental permits and permit applications is intended to insure that Master Metals will not impede potential clean up efforts by USEPA, Ohio EPA, or their contractors or recontaminate cleaned areas.

Also enclosed is a draft stipulation withdrawing Master Metals' July 16, 1992, petition seeking Court review of the imposition of \$1,593,000 in stipulated penalties under the Consent Decree entered by the Court on January 15, 1990.

If the letter and stipulation are acceptable, please have Mr. Mickey sign them and return them to me as soon as possible. If you have any questions about the proposed letter and stipulation, please do not hesitate to ask. Thank you for your cooperation.

Sincerely,

Arthur I. Harris  
Assistant U.S. Attorney  
(216) 622-3711

cc: Joseph E. Rutigliano, Esq.  
Richard L. Boylan, Esq.  
Susan L. Schneider, DOJ  
Stuart Hersh, USEPA Region 5  
Sally Averill, USEPA Region 5  
Tim Kern, Ohio AG

Valdus V. Adamkus  
Regional Administrator  
USEPA Region 5  
77 West Jackson  
Chicago, IL 60604

Donald B. Schregardus  
Director  
Ohio EPA  
P.O. Box 1049  
Columbus, Ohio 43266-1049

Robert Staib  
Director  
Department of Health  
City of Cleveland  
1925 St. Clair Avenue  
Cleveland, Ohio 44114

Erwin J. Odeal  
Executive Director  
Northeast Ohio Regional Sewer District  
3826 Euclid Avenue  
Cleveland, Ohio 44115-2504

Re: Master Metals, Inc., 2850 West 3rd Street, Cleveland,  
Ohio 44113

To whom it may concern:

Effective this \_\_\_\_ day of \_\_\_\_\_, 1995, Master Metals, Inc., hereby voluntarily withdraws all existing environmental permits and permit applications, including, but not limited to, Master Metals' Part B RCRA Permit Application.

Master Metals also agrees to commit all of its resources toward the clean up of the facility and the contaminated residential properties and to provide the USEPA Region 5 with the names and addresses of anyone buying equipment from Master Metals that is subject to permitting requirements (e.g., furnaces).

In addition, both Master Metals and Douglas Mickey individually agree to cooperate fully in any clean up of

contaminated areas and in the prosecution of claims against the generators and transporters of hazardous substances to the facility.

Master Metals, Inc. and Douglas Mickey understand that the agreements in this letter do not constitute a settlement of the claims, whether civil or criminal, which the federal government and the State of Ohio have pending against Master Metals, Inc. and/or Douglas Mickey. Furthermore, Master Metals, Inc. and Douglas Mickey understand that either or both of them may be subject to further enforcement, whether civil or criminal, by the federal government or the State of Ohio.

Copies of this letter that show my signature are as valid as the original letter signed by me.

Sincerely,

Douglas B. Mickey, President  
Master Metals, Inc.

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	Case No: 1:87CV1471
	)	
Plaintiff,	)	RETIRED JUDGE LAMBROS
	)	
v.	)	STIPULATION WITHDRAWING
	)	DEFENDANT MASTER METALS'
MASTER METALS, INC.,	)	PETITION CHALLENGING THE
	)	IMPOSITION OF \$1,593,000
Defendant.	)	<u>IN STIPULATED PENALTIES</u>

Defendant Master Metals, Inc. hereby withdraws its July 16, 1992, petition seeking Court review of the imposition of \$1,593,000 in stipulated penalties under the Consent Decree entered by this Court on January 15, 1990.

Respectfully submitted,

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Robert B. Casarona, Esq.  
Climaco, Climaco, Seminatore,  
Lefkowitz & Garofoli Co., L.P.A.  
Ninth Floor, The Halle Building  
1228 Euclid Avenue  
Cleveland, Ohio 44115

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Douglas B. Mickey, President  
Master Metals, Inc.

03/13/92